

REMARKS

Applicants submit this Reply in response to the non-final Office Action mailed February 18, 2010. Claims 36-70 are present in the application. Of those claims, claims 44-68 have been withdrawn from consideration as being directed to non-elected subject matter. Thus, claims 36-43, 69, and 70 are pending on the merits, of which claims 36 and 69 are independent. By this Reply, Applicants have amended claims 36 and 69. No new matter has been added.

In the Office Action, the Examiner rejected claims 36, 37, and 41-43 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent App. Pub. No. 2003/0122284 ("Mori"); rejected claims 38 and 39 under 35 U.S.C. § 103(a) as being unpatentable over Mori; rejected claims 69 and 70 under § 103(a) as being unpatentable over Mori in view of U.S. Patent No. 3,464,090 ("Cantarutti"), and further in view of U.S. Patent No. 5,939,002 ("Heindel"); rejected claim 36 under § 103(a) as being unpatentable over Japan Patent Pub. No. JP-05031724 ("Hashimoto") in view of Japan Patent Pub. No. JP-03202326 ("Masuda"); and rejected claim 40 under § 103(a) as being unpatentable over Hashimoto in view of Masuda, and further in view of U.S. Patent No. 4,698,245 ("Shallmeier") and European Patent App. Pub. No. EP-0209453 ("Faure-Bondat").

Applicants respectfully traverse all pending rejections for at least the reasons discussed below.

Rejections Under 35 U.S.C. § 102(b)

Applicants respectfully traverse the rejection of claims 36, 37, and 41-43 under 35 U.S.C. § 102(b)¹ as being anticipated by Mori. In order to properly establish that Mori anticipates Applicants' claimed invention under 35 U.S.C. § 102, every element of the claims in issue must be found, either expressly or described under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Mori does not disclose every element of Applicants' claimed invention. Amended independent claim 36 recites, in part, "wherein the mechanical engagement elements result in mechanical engagement between the at least one first layer and the at least one second layer." In the Office Action, the Examiner asserts that Mori teaches an expandable bladder comprising two elastomer layers having an undulated interface profile between them. Office Action at 2-3. According to the Examiner:

[B]ecause the different elastomer materials [of Mori] would be placed on opposite sides of the knitted fabric shown in Figure 1 and then made integral to the fabric, the elastomer materials flow into the spaces between the stitches of the fabric and form an interface which is significantly affected by the presences of the fibers in the fabric; this interface would of necessity be undulated because the elastomer materials must flow around the fibers and therefore mechanically engage with the fibers and with each other.

¹ Applicants respectfully submit that Mori does not qualify as prior art under 35 U.S.C. § 102(b) with respect to the present application at least because it was not published more than a year prior to the October 31, 2003 filing date of International Application No. PCT/IT2003000707, the application to which the present application claims the benefits of priority under 35 U.S.C. § 120. For at least this reason, the § 102(b) rejection based on Mori is improper and should be withdrawn.

Id. at 3.

However, Applicants respectfully disagree with the Examiner's characterization of Mori. As an initial matter, Mori nowhere appears to describe first and second layers comprised of different materials. Rather, Mori states only that the rubber layers described therein can be made from any one of a plurality of rubber materials, or some combination thereof. See Mori at [0053]. But the two layers described in Mori appear to be comprised of the same material. Further, and contrary to the Examiner's assertion, Mori does not, in fact, disclose mechanical engagement between the first and second elastomer layers of the bladder described there. Rather, Mori teaches only that the elastomer layers, separated by a fabric layer, can partially flow into the spaces between the stitches of the fabric. See Mori at [0059]. Thus, at most, Mori discloses each elastomer layer being mechanically engaged with the fabric. As a result, Mori does not appear to disclose, "wherein the mechanical engagement elements result in mechanical engagement between the at least one first layer and the at least one second layer."

For at least these reasons, Applicants request the Examiner reconsider and withdraw the rejection of amended independent claim 36 under 35 U.S.C. § 102(b) over Mori.

Moreover, claims 37 and 41-43 depend from independent claim 36 and, thus, contain all the elements and limitations thereof. Accordingly, Applicants also request the Examiner reconsider and withdraw the rejections of dependent claims 37 and 41-43 as they are allowable at least due to their corresponding dependence from independent claim 36.

Rejections Under 35 U.S.C. § 103(a)

Applying 35 U.S.C. § 103(a), the Examiner rejected claims 38 and 39 as being unpatentable over Mori; rejected claims 69 and 70 as being unpatentable over Mori in view of Cantarutti, and further in view of Heindel; rejected claim 36 as being unpatentable over Hashimoto in view of Masuda; and rejected claim 40 as being unpatentable over Hashimoto in view of Masuda, and further in view of Shallmeier and Faure-Bondat. However, a *prima facie* case of obviousness, the requirements of which are discussed below, has not been established for each rejected claim.

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must disclose all of the claim limitations, or the claim rejection must explain why the differences between the prior art and the claim limitations would have been obvious to one of ordinary skill in the art. See M.P.E.P. § 2141.

A *prima facie* case of obviousness has not been established because, among other things, none of Mori, Cantarutti, Heindel, Hashimoto, Masuda, Shallmeier, or Faure-Bondat, alone or in any combination, teaches or suggests every feature of Applicants' amended claims. Applicants have already established in the previous section that Mori fails to teach at least "wherein the mechanical engagement elements result in mechanical engagement between the at least one first layer and the at least one second layer," as recited in amended independent claim 36. Similar features are recited in amended independent claim 69. Moreover, no other reference cited by the Examiner teaches or renders obvious these features.

In the Office Action, the Examiner asserts, "Masuda teaches a bladder for tire vulcanizing wherein a layer of silicone-based cross-linked material is applied to the

outer surface of the bladder after the surface has been made uneven (see Abstract). . . .

The uneven surface taught by Masuda can be reasonably interpreted as being undulated since it consists of alternating high and low points." Office Action at 7.

However, the Examiner mischaracterizes Masuda. Similar to Mori, Masuda does not teach "wherein the mechanical engagement elements result in mechanical engagement between the at least one first layer and the at least one second layer." Rather, as the Examiner points out, Masuda teaches only a chemical bond between a bladder and a silicone film via cross-linking. The reference states:

[The purpose of Masuda's teaching is] [t]o improve the adhesion and endurance between treatment agent and a bladder by a method in which rough surface is formed on the surface of the bladder, and the bladder-treating agent composed of high molecular weight silicon liquid, crosslinking agent, crosslinking-acceleration agent of specified amounts and the specified silicon coupling of specifying amount, is used.

Masuda at Abstract.

Thus, Masuda teaches only the chemical bonding of two layers. Masuda does not teach or suggest, "wherein the mechanical engagement elements result in mechanical engagement between the at least one first layer and the at least one second layer." Moreover, the remainder of the cited references similarly fail to disclose such features and the Examiner does not appear to contend otherwise.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejections of amended independent claims 36 and 69 under 35 U.S.C. § 103(a) as being unpatentable over Mori, Cantarutti, Heindel, Hashimoto, Masuda, Shallmeier, and Faure-Bondat, alone or in any combination.

Moreover, claims 38-40 and 70 each depend from one of independent claims 36 and 69 and, thus, contain all the elements and recitations thereof. As a result, dependent claims 38-40 and 70 are allowable at least due to their respective dependence from independent claims 36 and 69.

Claim Scope

It is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and or shown in the drawings. Rather, Applicants believe that they are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

If the Examiner believes that a telephone conversation might advance prosecution of this application, the Examiner is cordially invited to call Applicants' undersigned attorney at (404) 653-6435.

Applicants respectfully note that the Office Action contains a number of assertions concerning the related art and the claims. Regardless of whether those assertions are addressed specifically herein, Applicants respectfully decline to automatically subscribe to them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: 

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